

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

Cr. No. 23-0027 KG

NICOLE SENA,

Defendant.

MEMORANDUM OPINION AND ORDER

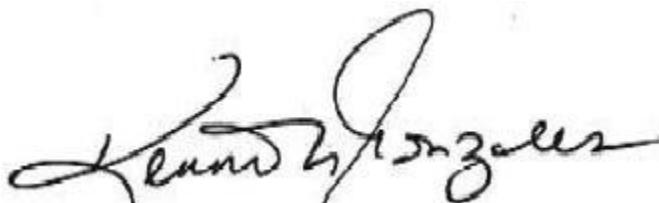
This matter comes before the Court on Defendant's Motion for Furlough to Attend Funeral, (Doc. 57), filed January 22, 2025. The defendant requests a 72-hour furlough to attend her brother's funeral services in Roswell, New Mexico. The defendant presently is in the custody of the United States Marshal awaiting sentencing. She relays that the United States is opposed to her motion.

The Court has considered the motion and the factors set forth in 18 U.S.C. §§ 3142(g) and 3553. In addition, the Court has considered the Pretrial Service Report (Doc. 14), Magistrate Judge Sweazea's Order of Detention (Doc. 18), the Presentence Report (Doc. 43), Defendant's Corrections to the Presentence Investigation Report (Doc. 48), and the Addendum to the Presentence Report (Doc. 50). The Court AUSA Renee Camacho opposes this motion.

The Court has considered the nature and circumstances surrounding the drug offense, to which the defendant has admitted by pleading guilty, as well as her history and characteristics, including her past drug use, criminal conviction for drug possession, and history of violating conditions of supervision. Her past drug use includes alcohol, marijuana, cocaine, and methamphetamine—including using 1 gram of methamphetamine per day until one month prior

to her arrest. Her previous criminal history includes an arrest for drug possession, which occurred less than 5 years. Her previous history of supervision violations included: (1) failing to refrain from associating with a person detrimental to her supervision, (2) failing to attend the intensive outpatient program, and (3) testing positive for methamphetamine many times. Despite these violations of her first term of supervision, defendant had many of the same violations for during her second term of supervision. The defendant is currently facing a Sentencing Guideline range of imprisonment of 135 months to 168 months.

Additionally, the Court notes defendant requested her sister, Summer Smart, be permitted to pick her up, but in the Pretrial Services Report, Mrs. Smart was assessed not suitable as a third-party custodian. Moreover, notwithstanding the recommendation in the Pretrial Services Report that defendant be released on a 15,000 unsecured bond, Magistrate Judge Sweazea ordered her detained. (Doc. 18). The Court also considers the reasons surrounding the defendant's request for a furlough and remains sympathetic to her and her family. Even so, the Court is concerned with the risk to the public if the defendant is released, even for a short period of time, and the risk she will not return to custody as required. The motion is DENIED.



CHIEF UNITED STATES DISTRICT JUDGE